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## LAW RELATING TO JUVENILE OFFENDERS

### SUMMARY BY CAUSES.

*Insanity, Lunacy, and Want of Understanding or Will to Consent.*—Thirty-four states or jurisdictions make restrictions under some one of these terms: Arkansas, New York, North Carolina and Oregon—Oregon using the last of the three terms given above. The other states are: California, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

*The Imbecile and Feeble-minded.*—Eight states specify the imbecile or feeble-minded as follows: Connecticut, Indiana, Kansas, Michigan, Minnesota, New Jersey, Ohio and Washington.

*Idiotic.*—Fifteen states and the District of Columbia specify the idiotic as follows: District of Columbia, Illinois, Iowa, Maine, Massachusetts, Michigan, Mississippi (providing divorce in such cases), Nebraska, Oklahoma, Rhode Island, South Carolina, Utah, Vermont, Washington, Wisconsin and Wyoming.

*Incapable of Consent.*—Four states put a restriction in this form: Arkansas, New York, North Carolina and Oregon.

*Epilepsy.*—Nine states specify epilepsy. They are Connecticut, Indiana, Kansas, Michigan, Minnesota, New Jersey, Ohio, Utah and Washington.

*Drunkenness* is named in the statutes of only two states as a bar to marriage. Ohio specifies habitual drunkenness and Washington the common drunkard.

*Venereal and other contagious diseases* are a bar to marriage in four states. Indiana names only a transmissible disease, and Michigan, by an act of 1899, and Utah and Washington, by acts of 1909, specify venereal diseases as a bar to marriage.

*The Indigent.*—One state, Indiana, regulates with considerable care the marriage of the indigent.

As the suggestion is frequently made that the marriage of those afflicted with venereal disease should be legally regulated, inquiry has been made into the working of the law on the subject in Michigan, the only state that has had the law long enough to test it fairly. The testimony of leading men interested in checking these diseases is that the law has no practical value. It is easy to see why such a law must be, to a great extent, a failure, and that our hope must rest on the influence on education, in various ways, and on the direct action of the parties to be married, their parents, pastors and physicians. The evils are of a grave character, both on account of their wide prevalence and their most serious effects on the parties immediately concerned and their descendants. But their legal prevention is difficult.—From *The Training School*, Vol. VIII, No. 10.

(Since the above was published, Wisconsin has made the medical certificate a prerequisite to marriage.)

R. H. G.

**Law Relating to Juvenile Offenders in Vermont.**—The following progressive legislation was enacted in Vermont by the last legislature:

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AN ACT TO DEFINE AND REGULATE THE TREATMENT AND CONTROL OF DEPENDENT AND DELINQUENT CHILDREN; TO PROVIDE FOR THEIR DISPOSITION, CARE, EDUCATION, PROTECTION, SUPPORT, MAINTENANCE, PUNISHMENT, GUARDIANSHIP AND ADOPTION; TO PRESCRIBE THE POWERS AND DUTIES OF COURTS, POLICE OFFICERS AND PROBATION OFFICERS WITH RESPECT THERETO; TO FIX THE JURISDICTION OVER JUVENILE OFFENDERS IN THE PROBATE COURT AND PRESCRIBE ITS POWERS AND PROCEDURE IN SUCH CASES; AND TO RESTRICT THE IMPRISONMENT OF CHILDREN.

It is hereby enacted by the General Assembly of the State of Vermont:

Section 1. This act shall apply only to children under the age of sixteen years; provided, however, that when a child under the age of sixteen years shall come into the custody of the juvenile court under the provisions of this act, such child shall continue, for all necessary purposes of discipline, a ward of such court until, if such child be a boy, he shall attain the age of twenty-one years, and if such child be a girl, until she has attained the age of eighteen years, unless sooner discharged as hereinafter provided. The words "delinquent child" shall, for the purposes of this act, include a child under sixteen years of age who violates a law of this state or a city or village ordinance; or who is incorrigible; or who is a persistent truant from school; or who associates with criminals or reputed criminals, or vicious or immoral persons; or who is growing up in idleness or crime; or who wanders about the streets in the night time; or who frequents, visits, or is found in a disorderly house, house of ill fame, saloon, barroom or a place where intoxicating liquors are sold, exchanged or given away; or who patronizes, visits, or is found in a gambling house or place where a gambling device is operated; or who uses vile, obscene, vulgar, profane or indecent language, or is guilty of immoral conduct. For the purposes of this act, the words "delinquent child" or "neglected child" shall mean a child under sixteen years of age who is dependent upon the public for support; or who is homeless, destitute, or abandoned; or who has not proper parental care or guardianship; or who begs or receives alms; or who is found living in a house of ill fame or with a vicious or disreputable person; or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child, or whose environment is such as to warrant the state, in the interests of the child, in assuming its guardianship. The word "child" or "children," as used in this act, may mean one or more children, and the word "parent" or "parents" may mean one or both parents as may be consistent with the intent of the act.

Sec. 2. The probate courts of the several probate districts in this state shall have original jurisdiction of all cases coming within the provisions of this act, in their respective districts, and a child against whom proceedings are had under this act, and the parent or guardianship of such child, shall have the right to an appeal from the action of the probate court in the same manner in which appeals are taken from said court in other causes, provided that no recognizance or bond for such appeal shall be required. The

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probate court shall keep a separate record of proceedings under this act to be known as a "juvenile record."

Sec. 3. A reputable person who is a resident of the probate district, having knowledge of a child in his district who appears to be either dependent or delinquent, may file with the probate court for that district a petition in writing, setting forth the facts, verified by oath. It shall be sufficient that the facts be stated in such petition and upon information and belief.

Sec. 4. Upon the filing of the petition, a summons shall issue requiring the person having the custody or control of the child, or with whom the child may be, to appear immediately with the child at a place stated in the summons. The parent or guardian, or if there be neither, then a relative of such child, if the residence of such relative be known, shall be notified of the proceedings, and, in any case, the judge may appoint some suitable person to act in behalf of the child. If the person summoned as herein provided fails, without reasonable cause, to appear and abide the order of court, or bring the child, he may be proceeded against as for contempt of court. In case the summons cannot be served or the party served fails to obey the same, or, in any case, when it is made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of a case, the child may be retained in the possession of the person having charge of the same, or may be kept, in the discretion of the court, in some suitable place provided by the city or town authorities or by some private individual or association, or placed in charge of the probation officer.

Sec. 5. The probation officer for the county in which the probate court is held, shall, at the request of such court, investigate cases arising under the provisions of this act, and shall, if the court so directs, take charge of a delinquent or dependent child under such conditions as may be specified in the order of court.

Sec. 6. When a child is found to be dependent or neglected within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character who is willing to receive the same without charge, or to the care of some association willing to receive it, embracing in its objects the purposes of caring for or obtaining homes for dependent or neglected children. The court may, when the health or condition of the child requires it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge.

Sec. 7. In a case where the court awards a child to the care of an association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, and be made a party to proceedings for the legal adoption of

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the child, and may, by its or his attorney or agent, appear in any court when such proceedings are pending, and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of the estate of the child.

Sec. 8. In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care and custody of the probation officer, and may allow said child to remain in its home, subject to the visitation of the probation officer; and subject to be returned to the court for further or other proceedings whenever such action appears to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the supervision of the probation officer, and the further order of court, or it may authorize the child to be boarded in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child; or the court may commit such child to the care and custody of a reputable citizen of good moral character who is willing to assume such supervision without charge, or to an association or institution within the state that receives and cares for delinquent children; or such child may be committed to the Vermont industrial school or other suitable public institution, provided that all commitments to said school under this act shall be governed by the provisions of law relating to commitments thereto. A child committed to the Vermont industrial school or other public or private institution shall be subject to the laws, rules and regulations governing such schools or institutions.

Sec. 9. When a child known to be under sixteen years of age is arrested, with or without warrant, charged with a crime not punishable by death, such child shall, instead of being taken before a justice of the peace or other court of criminal jurisdiction, be taken directly before the probate court for the district in which the child was arrested, and the probate court shall proceed to hear and dispose of the case in the same manner as if the child had been brought before it upon petition as hereinbefore provided, and in such case the court shall require notice to be given and investigation to be made as in other cases arising under this act, and may adjourn the hearing from time to time for that purpose, and, pending the final disposition of the case, the child may be retained in the possession of the person having charge of the same, or may be kept, in the discretion of the court, in some suitable place provided by the city or town authorities, or by the officer making the arrest, or by some private individual or association, or placed in charge of the probation officer. If a criminal complaint and warrant has been issued against such child, the officer serving the same shall return such complaint and warrant to the court which issued the same, stating in his return that he has served the warrant and has taken such child before the probate court as hereinbefore provided; and thereupon the court which issued the warrant shall enter the case transferred to the probate court under the provisions of this act.

Sec. 10. No officer, court or magistrate shall commit a child known to be under sixteen years of age to jail or other prison, unless such child is charged with a crime punishable by death; but if such child is unable to give bail it may be detained in or committed to the care and custody of the sheriff, police officer or probation officer, who shall keep such child in some

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suitable place, or it may be held otherwise as the court may direct; provided, however, that nothing in this act shall be held to amend or repeal existing acts or laws relating to sentences to or confinements in the Vermont industrial school, or transfers from that school to jails or penal institutions.

Sec. 11. The court may at any time require from a private institution, association or person receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge deems proper and necessary for his action, and the court shall in no case be required to commit a child to the care of a person, association or institution whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court.

Sec. 12. In a case in which the court finds a child neglected, dependent or delinquent, it may in the same or subsequent proceedings, upon the summoning or volunteer appearance of the parents of the child, or either of them, proceed to inquire into the ability of such parent or parents to support the child or contribute thereto, and if the court finds such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its orders or decrees; and no property of such parent or parents, or either of them, shall be exempt from levy and sale under such execution. Such parents or either of them shall have the right to an appeal to the county court from the order of the probate court.

Sec. 13. The fees of officers and courts incident to proceedings under this act shall be paid by the state, provided that in proceedings under section 12 of this act the court may, in its discretion, assess costs against such parents, and in the case of an appeal to the county court from the action of the probate court in proceedings under this act, the county court may, in its discretion assess such costs against the appellant as are deemed just.

Sec. 14. Nothing in this act shall be construed to repeal any portion of the criminal law of this state, nor of any law concerning or affecting minors, except such portions thereof as are in conflict with the provisions of this act, and all such portions are hereby repealed.

Sec. 15. This act shall be liberally construed to the ends that its purpose may be carried out; that the care, custody and discipline of a child shall approximate, as nearly as may be, that which should be given by its parents; and that the restraint of a delinquent child shall tend rather toward his reformation than to his punishment as a criminal.

Approved January 23, 1913.

R. H. G.

**The Indeterminate Sentence and Parole Laws in Indiana.**—The indeterminate sentence and parole laws have been on the statute books of Indiana since 1897. As first enacted, only the state prison at Michigan City and the reformatory at Jeffersonville were affected, but the legislature of 1899 extended their benefits to the woman's prison at Indianapolis. They apply to all men over sixteen years of age and all women over seventeen years, unless convicted of treason or murder in the first or second degree. Between the minimum and maximum terms of imprisonment prescribed by law as a penalty for the crime committed, prisoners serving an indeterminate sentence may be conditionally released by the